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Consideration of reports: reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

List of issues in relation to the combined fifth and sixth periodic reports of Mexico

Addendum

Replies of Mexico to the list of issues*, **

[Date received: 17 July 2017]

* The present document is being issued without formal editing.

** The annexes to the present report are available for consultation from the Committee secretariat. They may also be accessed from the web page of the Committee.

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General information

Replies to the issues raised in paragraph 1

1. In 2011, a constitutional reform was passed with the aims of incorporating the concept of human rights in the Constitution, expanding the range of rights to encompass all those recognized in the international human rights treaties ratified by Mexico and including the *pro persona* principle in the national implementation and interpretation of regulations. Accordingly, in the national legal framework, the rights recognized in the International Covenant on Economic, Social and Cultural Rights are justiciable.

2. Structural reforms were also passed in the fields of employment in 2012 and 2017, education in 2012, transparency and access to information in 2014, budgetary and social affairs in 2013, finance in 2014 and economic competition in 2014, with the aim of promoting inclusive economic and social development and accelerating growth and economic stability. Together, these reforms have had a substantial impact on the advancement of economic, social and cultural rights.

3. The constitutional means by which human rights are enforced before the courts is the remedy of *amparo*.[1] In *amparo* proceedings, the federal courts resolve disputes arising from general regulations, actions or omissions committed by authorities or by individuals acting on a par with the authorities that violate recognized human rights or the guarantees for the protection of those rights set forth in the Constitution and the international human rights treaties ratified by Mexico.

4. Based on *amparo* rulings, the federal courts and the Supreme Court have established case law and opinions related to the guarantee and protection of economic, social and cultural rights, in order to clarify their core content, delimit the scope of their protection and establish the State's obligation to make budgetary allocations for their realization, including analysing and detailing each of the rights contained in the Covenant.

Chart 1

	Violated right	*Federal judgments handed down between 2012 and 2017 in connection with claims of violations of Covenant rights*
1	Right of self-determination	0
2	Right to work	17
3	Right to form trade unions	0
4	Right to social security	16
5	Right to protection of the family	0
6	Right to adequate food	0
7	Right to water	14
8	Right to adequate housing	4
9	Right to health	274
10	Right to education	40
11	Right to take part in cultural and scientific life	0

Source: Council of the Federal Judiciary, 2017.

[1] Articles 103 and 107 of the Constitution.

5. Annex 1 of this report contains a selection of judgments and opinions issued by the federal courts and the Supreme Court to illustrate the progress that has been made on the justiciability of economic, social and cultural rights.

6. With regard to the enforcement of court decisions, the law provides that *amparo* proceedings cannot be concluded until the judgment has been enforced. Thus, if the authorities fail to comply with an *amparo* judgment, sanctions can be imposed; such sanctions might include fines, dismissal, disqualification from holding public office or even imprisonment. In this way, the judiciary and the Supreme Court ensure that judgments are enforced at the national level in an appropriate and timely manner.

Replies to the issues raised in paragraph 2

7. From 2013 to 2015, public human rights bodies received 887 complaints of alleged violations of the rights of human rights defenders. Among the complaints received in 2015, there were 182 violations of the rights of human rights defenders and journalists. These violations affected 148 persons: 59 per cent were men and 34 per cent were women, while in 7 per cent of the cases the individual's sex was unspecified. In addition, 18 groups of people were registered as victims.

8. In order to ensure the protection of human rights defenders, the Act on the Protection of Human Rights Defenders and Journalists was passed in 2012. The Act established the Mechanism for the Protection of Human Rights Defenders and Journalists, a framework for institutional cooperation between the federal and state governments to protect the life, integrity, liberty and security of persons at risk as a result of their work as journalists or human rights defenders.

9. The Mechanism conducts a technical assessment of the risks facing individual journalists or human rights defenders in order to identify the appropriate type and level of measures to be put in place to safeguard their rights. Annex 2 contains information on the Mechanism.

10. The Mechanism currently protects 509 human rights defenders and journalists, of whom 49 are defenders of economic, social and cultural rights.

Replies to the issues raised in paragraph 3

11. Strategy 4.4 of the National Human Rights Programme for 2014-2018 provides for the promotion of human rights and the gender perspective in the private sector, as well as in business policies and activities. A National Action Plan on Business and Human Rights is currently being developed based on the strategy.

12. Back in 2015, the National Working Group on Business and Human Rights was set up to assist in developing the Plan. The Working Group comprises representatives of the Government, civil society organizations, businesses, international organizations and academia. During its official visit to Mexico, the United Nations Working Group on Business and Human Rights described the development of the Plan as a "promising process which has potential to instil a culture of dialogue across states, business and civil society."[1]

13. The draft Plan is currently at the consultation stage with the various stakeholders and is expected to be published in the second half of 2017.

14. The draft Plan is based on the United Nations Guiding Principles on Business and Human Rights and includes four strategies for the application of the principle of due diligence to prevent, mitigate and, where necessary, remedy any human rights violations arising from business activities. Annex 3 contains further information on the progress made in this area.

[1] A/HRC/35/32/Add.2, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Mexico, para. 102.

I. Issues relating to general provisions of the Covenant

Replies to the issues raised in paragraph 4

15. The right to consultation for indigenous peoples and communities is set forth in the Constitution, federal laws and regulatory provisions, as well as in the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), which Mexico has ratified. However, it is recognized that further work is needed to strengthen regulation in this area.

16. In 2013, the National Commission for the Development of Indigenous Peoples published a protocol for the holding of consultations with indigenous peoples and communities in accordance with the standards of ILO Convention No. 169. The protocol establishes the methodology essential for developing processes that meet international standards regarding consultation with indigenous peoples and communities.

17. The protocol provides that the authorities must undertake consultations in the event that:

- Administrative or legislative measures have the potential to affect the rights of indigenous peoples.
- Such measures clearly affect the rights of indigenous communities.

18. Annex 4 contains information on the consultations that have taken place in the past five years.

19. With regard to the return of ancestral lands to indigenous peoples, agrarian legislation provides for three forms of landownership: (i) national (including vacant land); (ii) private; and (iii) social (*ejido* or communal property). Provision is made for the recognition, confirmation or return of land tenure for persons owning land under the *ejido* or communal system without making any distinction as to whether or not the interested parties belong to an indigenous people or community.

Replies to the issues raised in paragraph 5

Chart 2

Federal expenditure budget
Functional economic analysis of scheduled expenditure
Ministry of Social Development

	Fiscal year				
	2013	*2014*	*2015*	*2016*	*2017*
Overall	**1 781 394.60**	**2 043 045.60**	**2 150 994.90**	**2 233 396.80**	**2 236 409.90**
Environmental protection	27 719.70	34 118.40	33 726.00	28 065.50	21 265.00
Housing and community services	208 988.40	257 709.20	253 712.80	264 412.80	195 296.80
Health	443 729.10	485 228.70	511 434.20	523 222.70	535 645.20
Recreation, culture and other social activities	27 746.70	26 489.50	28 392.80	21 773.70	18 082.20
Education	534 897.50	593 554.30	648 139.40	656 697.50	648 820.30
Social protection	537 330.00	644 925.00	674 534.50	738 340.00	816 615.80
Other social affairs	983.20	1 020.50	1 055.20	884.60	684.60

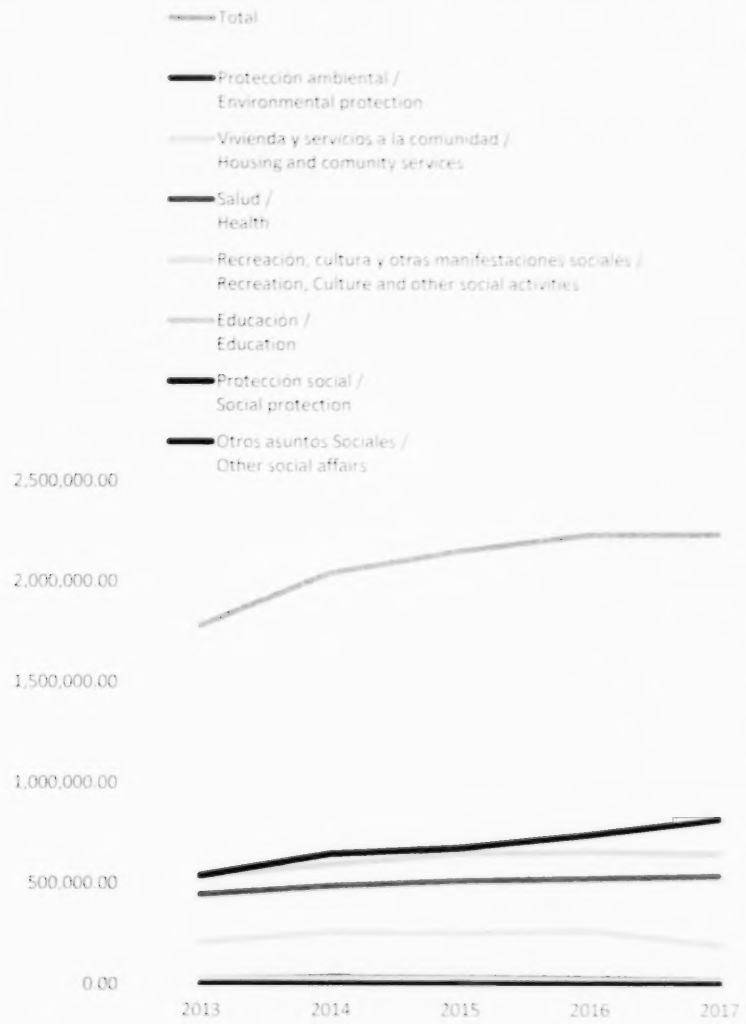
Source: Federal expenditure budget, fiscal years 2013/17. Global and specific information, vol. I — Consolidated information on scheduled expenditure — Functional economic analysis of scheduled expenditure (http://finanzaspublicas.hacienda.gob.mx/es/Finanzas_Publicas/Paquete_Economico_y_Presupuesto).

Source: Ministry of Finance and Public Credit, 2017.

Note: Partial totals may not add up owing to rounding. Figures given in millions of Mexican pesos (Mex$).

Chart 3

Presupuesto de egresos de la federación
Análisis funcional económico del gasto programable
Desarrollo social /
Federal income budget
Functional economic analysis of scheduled expenses
Ministry of social development



Source: Ministry of Finance and Public Credit, 2017

20. As part of the 2013 tax reform, a 10 per cent tax was established on the income derived by natural persons from capital gains on the sale of shares and distribution of dividends, in order to broaden the base of income tax and include in it a form of income that is predominantly found among the sections of the population with the highest income. An overall limit of 15 per cent has been imposed on the personal deductions that may be made per year.

21. As a result of these measures, 53 per cent of the additional revenue generated comes from the 10 per cent of the population with the highest income, while only 1.5 per cent comes from the 10 per cent with the fewest resources.

22. As a result of the foregoing, the Gini coefficient attributable to taxes and government transfers has increased by 77 per cent, from 0.018 to 0.032 points. The State thus protects the most vulnerable sectors of the population and strengthens the progressive redistribution of its fiscal policy.

Replies to the issues raised in paragraph 6

23. A range of measures have been implemented to combat the discrimination in the exercise of rights relating to health, food, education, work and access to credit identified in the 2012 report on discrimination in Mexico produced by the National Council for the Prevention of Discrimination. Annex 5 contains a table presenting those measures.

Replies to the issues raised in paragraph 7

24. PROIGUALDAD, the National Programme on Equal Opportunity and Non-Discrimination against Women, has obtained specific results in terms of combating structural discrimination against women and girls and in promoting women's exercise of their economic, social and cultural rights, including in the areas of basic education, human rights, gender equality, the eradication of violence, health education, comprehensive sex education and the teaching of sexual and reproductive rights from preschool to secondary levels.

25. In higher education, affirmative action for women's participation in the fields of engineering, technology and physical and mathematical sciences at the graduate and postgraduate levels led to an increase in the number of scholarships; 666 were awarded in 2012/13, while 88,563 were awarded in 2014/15.

26. With regard to work and financing for production, 2016 saw the launch of a programme aimed at women with small and medium-sized enterprises. The programme offers funding with preferential interest rates, the elimination or reduction of guarantees for other credit products and access to tools for strengthening businesses. Annex 6 contains additional information on the implementation of the PROIGUALDAD programme.

27. At the end of 2016, it was estimated that 9.1 per cent of the lines of action contained in the PROIGUALDAD programme had been fully executed, and progress was reported in 76.6 per cent of them. It is estimated that by the end of 2018, following the review mandated by the General Act on Equality between Women and Men, the programme will have a compliance rate of greater than 90 per cent.

28. It should be noted that 109 of the 314 lines of action contained in the PROIGUALDAD programme derive directly from the Convention on the Elimination of All Forms of Discrimination against Women and 154 originated in the Beijing Platform for Action, the Quito Consensus, the Brasilia Consensus, the Santo Domingo Consensus, the Convention of Belém do Pará and the Montevideo Consensus on Population and Development. In total, 84 per cent of the PROIGUALDAD programme reflects commitments that Mexico has made under international or regional instruments. As a programming tool, it will therefore enable the State to fulfil its commitments in coordination with sectoral and institutional programmes.

Replies to the issues raised in paragraph 8

29. The following section highlights the most significant results of the implementation of the Comprehensive Programme to Prevent, Address, Punish and Eradicate Violence against Women for 2014-2018:

- During 2014, the State invested more than 183 million Mexican pesos (MexS) in the creation and improvement of comprehensive, differentiated and specialized care services in the federative entities, benefiting over 134,000 women and 8,507 children. These services included legal, psychosocial, medical and economic assistance, access to justice, specialized care for children and referrals to protection centres, shelters and refuges.

- In 2014, the Fund for Aid, Assistance and Comprehensive Reparation was created to support women victims of violence. In 2016 it served 387 women with an outlay of MexS 82 million for the comprehensive reparation for victims of violence.

- In 2016, cooperation was strengthened between federal, state and local authorities to expand the Network of Women's Justice Centres. The Network's 35 Centres provided comprehensive psychosocial, legal and medical care services to 120,983 women victims of violence.

- During the period 2014-2016, the rate of harmonization between federal and state legal frameworks rose from 21 per cent to 26.6 per cent. legislation and/or regulations in nine federative entities were brought into line with federal law, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention of Belem do Para.

- On 31 August 2016, a protocol was issued to prevent, address and punish sexual harassment in the federal administration.

- In 2016, the Office of the Attorney General of the Republic developed protocols for gender-focused judicial, police and expert investigations of the offences of femicide and sexual violence, with the aim of eradicating those practices in the federal administration.

30. With regard to the figures on offences committed against women, between 2011 and 2015 the offices of the state attorneys general recorded 467,014 cases of domestic violence in the investigations initiated, representing 6 per cent of the total number of registered crimes during that period. In the same period, state courts tried 8,651 persons for the offence of domestic violence: 82.8 per cent (7,162 persons) were convicted and 6.4 per cent were acquitted (557 persons).

Chart 4

Offences, victims and defendants in cases of domestic violence recorded in preliminary inquiries and investigations initiated by the public prosecution services with jurisdiction in the federative entities, 2012 to 2015

	2012		2013		2014		2015		Cumulative total 2012-2015	
Total number of offences registered	1 703 904	100%	1 670 198	100%	1 710 646	100%	1 616 753	100%	1 920 475	100%	8 261 976	100%
Offences of domestic violence	84 317	4.9%	78 402	4.6%	83 853	4.9%	106 061	6.6%	120 641	6.3%	467 014	5.7%
Total number of registered victims	1 442 871	100%	1 710 536	100%	1 440 709	100%	1 652 010	100%	1 487 680	100%	7 733 806	100%
Victims of domestic violence[1]	83 851	5.8%	77 830	4.5%	88 138	6.1%	108 850	6.6%	130 433	8.8%	489 102	6.3%
Women	73 998	88.9%	68 003	78.9%	71 625	81.2%	90 580	82.3%	105 854	79.9%	387 240	78.2%
Men	10 225	16.0%	12 741	15.7%	13 013	15.4%	16 207	14.9%	28 230	20.6%	81 016	15.3%
Total number of registered defendants	1 806 009	100%	1 489 295	100.0%	1 188 891	100.0%	1 614 447	100.0%	1 654 462	100.0%	7 272 688	100.0%
Defendants in domestic violence cases[1]	87 665	4.4%	84 240	4.9%	75 084	6.4%	101 345	6.2%	126 568	7.7%	425 938	5.9%

[1] There are 35 Women's Justice Centres in 24 federative entities.

	2012		2013		2014		2015		Cumulative total 2012-2015	
Convictions in domestic violence cases										
Women	9 615	12.9%	7 669	12.4%	11 644	13.8%	12 651	12.9%	41 579	13.0%
Men	62 464	74.8%	48 021	77.6%	64 191	76.2%	74 527	76.0%	249 203	77.2%

Source: National Institute of Statistics and Geography, National census of state attorneys general 2012, 2013, 2014, 2015 and 2016.

Refers to the information recorded in proceedings of the administration of criminal justice entrusted to the public prosecution services with jurisdiction in the federative entities, both in the traditional criminal system and in the adversarial system of criminal justice.

Taken together, the number of female and male victims and defendants in domestic violence cases is lower than the total registered number of victims and defendants because this table does not include persons whose sex was not specified.

Chart 5

Persons tried for the offence of domestic violence, as recorded in the files and/or cases concluded in courts of first instance for criminal matters in the federative entities,[1] by type of judgment, 2012 to 2015

	2012		2013		2014		2015		Cumulative total 2012-2015	
Total number of persons tried	**76 893**		**100 938**		**62 869**		**94 028**		**294 578**	
Persons tried for the offence of domestic violence	2 776	3.6%[2]	2 617	2.6%[2]	1 603	2.6%[2]	1 555	2.0%[2]	8 651	2.9%[2]
Women	173	6.2%[3]	242	9.6%[3]	163	10.2%[3]	115	7.4%[3]	693	7.9%[3]
Men	2 603	93.8%[3]	2 366	90.4%[3]	1 436	89.8%[3]	1 440	92.6%[3]	7 936	91.7%[3]
Convictions in domestic violence cases	2 104	75.7%[4]	2 516	96.1%[4]	1 433	89.4%[4]	1 109	71.3%[4]	7 162	82.8%[4]
Women	159	7.6%[5]	198	7.7%[5]	93	10.7%[5]	109	9.8%[5]	655	9.6%[5]
Men	1 945	92.4%[5]	2 322	92.3%[5]	1 280	89.3%[5]	1 000	90.2%[5]	6 547	91.4%[5]
Acquittals in domestic violence cases	120	5.7%[4]	242	10.3%[4]	70	4.6%[4]	80	7.9%[4]	512	6.8%[4]
Women	18	9.8%[6]	40	16.8%[6]	0	0.0%[6]	0	0.0%[6]	68	12.2%[6]
Men	135	90.6%[6]	244	83.6%[6]	70	100.0%[6]	80	87.0%[6]	489	87.8%[6]

Source: National Institute of Statistics and Geography, National census of state administration of justice 2013, 2014, 2015 and 2016.

Refers to the information recorded in the proceedings of the administration of criminal justice concluded in the courts of first instance in the federative entities, both in the traditional criminal system and in the adversarial system.

Taken together, the number of women and men tried for the offence may not be equal to the total registered number of cases because this table does not include persons whose sex was not specified.

The sum of convictions and acquittals may not be equal to the total number of judgments registered because cases in which the type of judgment was not specified have not been included.

11. At the state level, between 2013 and 2015, the offices of the state attorneys general and the state prosecutors recorded 1,526 cases of femicide in the investigations launched. State courts issued judgments for 252 persons in connection with this offence, of whom 67 per cent (170 persons) were convicted and 33 per cent (82 persons) were acquitted.

Chart 6

Offences, victims and defendants in cases of femicide recorded in preliminary enquiries and investigations initiated by the public prosecution services with jurisdiction in the federative entities, 2012 to 2015

	2012		2013		2014		2015		Cumulative total 2012-2015	
Total number of offences registered	1 670 948	100%	1 720 630	100%	1 650 719	100%	1 928 646	100%	4 855 844	100%
Offences of femicide	232	0.02%	393	0.02%	443	0.03%	758	0.05%	1 526	0.03%
Total number of registered victims	-	-	1 440 798	100%	1 652 060	100%	1 887 640	100%	4 580 448	100%
Victims of femicide	-	-	333	0.02%	322	0.02%	755	0.05%	1 390	0.03%
Women	-	-	333	100%	322	100.0%	755	100.0%	1 390	100.0%
Men	-	-	0	0.0%	0	0.0%	0	0.0%	0	0.00%
Total number of registered defendants	-	-	1 598 899	100%	1 654 457	100%	1 650 465	100%	4 477 298	100.0%
Defendants in femicide cases	-	-	247	0.02%	581	0.03%	1 156	0.07%	1 744	0.04%
Persons charged with femicide										
Women	-	-	72	4.9%	26	7.6%	338	29.2%	376	21.6%
Men	-	-	661	54.9%	247	72.4%	756	65.4%	1 187	68.1%

Source: National Institute of Statistics and Geography, National census of state attorneys general, 2013, 2014, 2015 and 2016.

Reflects the information recorded in the proceedings of the administration of criminal justice initiated in the public prosecution services with jurisdiction in the federative entities, both in the traditional criminal system and in the adversarial system of criminal justice. The information includes both actual and attempted offences.

Taken together, the number of female and male victims and defendants in femicide cases is lower than the total registered number of victims and defendants because this table does not include persons whose sex was not specified.

For 2012, there is no data on victims or defendants in femicide cases because this information was not required in the census questionnaire. The cases of femicide reported in 2012 do not include cases of attempted femicide.

Chart 7

Persons tried for the offence of femicide, as recorded in the files and/or cases concluded in courts of first instance for criminal matters with jurisdiction in the federative entities, by type of judgement, 2013-2015

	2013		2014		2015		Cumulative total 2013-2015	
Total number of persons tried	200 958		215 507		94 958		217 925	
Persons tried for the offence of femicide	110	0.05%	63	0.03%	79	0.14%	252	0.12%
Women	6	5.2%	3	4.8%	4	5.1%	16	6.3%
Men	101	91.8%	60	95.2%	75	94.9%	236	93.7%
Convictions in femicide cases	73	64.8%	55	87.3%	64	81.0%	170	67.5%
Women	5	7.3%	1	2.4%	3	4.7%	9	5.3%
Men	66	92.0%	54	97.3%	61	95.3%	161	94.7%
Acquittals in femicide cases	36	35.45%	20	64.66%	15	18.99%	82	32.54%
Women	4	10.3%	2	7.1%	1	6.7%	7	8.5%
Men	35	89.7%	26	92.9%	14	93.3%	75	91.5%

Source: National Institute of Statistics and Geography, National census of state administration of justice, 2014, 2015 and 2016.

Refers to the information recorded in the trials held in courts of first instance of the federative entities, both in the traditional criminal system and in the adversarial system of criminal justice.

There is no data on persons tried for femicide in 2012 since this information was not required in the census questionnaire.

32. With regard to offences against sexual freedom and security, during the period 2011-2015 the offices of the state attorneys general and state prosecutors recorded 172,902 crimes of a sexual nature, representing 2 per cent of the total number of crimes recorded. Rape and offences amounting to rape account for 43 per cent of the total number of sex crimes, followed by sexual abuse which accounts for 33 per cent. The remaining percentage encompasses other offences such as harassment, incest or statutory rape.[4]

33. Between 2011 and 2015, state courts tried 10,830 persons for offences against sexual freedom and security; of these, 83 per cent were convicted and 13 per cent were acquitted. In the remaining cases, the type of judgment was not specified.[5]

Replies to the issues raised in paragraph 9

34. Unemployment and underemployment rates disaggregated by sex, age group, education level, income level and size of community are provided in annex 7.

35. The National Employment Service provides a wide range of labour-related services, including for working age jobseekers, without distinction as to age, sex, religion or race. From 2012 to 2017, the Service attended more than 21.1 million jobseekers, 5.6 million of whom were placed in jobs.

Chart 8

Activities of the National Employment Service

	December 2012 to February 2017[a]	
Programmes and services	*Persons attended*	*Placements*
Labour-related services	**19 346 532**	**4 259 132**
Employment exchange services	5 604 005	2 001 240
Employment fairs	1 712 208	611 930
Online employment portal	8 119 910	1 558 118
Mexico-Canada Seasonal Agricultural Workers Programme	99 429	87 844
Workshops for jobseekers	790 558	
State Employment System	405 236	
National Telephone Employment Service	1 708 944	
Labour intermediation centres	906 242	
Employment Support Programme	**1 754 184**	**1 354 204**
Scholarships	1 156 085	893 146
Incentives for self-employment	55 701	55 701
Labour mobility in the agriculture sector	477 767	333 347
Labour mobility in the industrial and services sectors	30 542	30 470
"Returnees at Work" programme	34 089	
Job Crisis Response Programme	**49 405**	**41 540**
Total	**21 150 121**	**5 654 876**

Source: Ministry of Labour and Social Security, 2017.

36. Persons aged 16 to 29 years accounted for 54 per cent of jobseekers attended and 37 per cent of placements during the same period. Women received 42.9 per cent of services provided by the National Employment Service and accounted for 44.6 per cent of placements.

[4] National Institute of Statistics and Geography, National census of state administration of justice, 2012, 2013, 2014, 2015 and 2016.

[5] Ibid.

37. The "Opening Spaces" strategy was launched to support jobseekers with disabilities and older persons in accordance with their specific needs.

Chart 9

Activities in the framework of the "Opening Spaces" strategy

	December 2012 to February 2017*	
"Opening Spaces" strategy	*Persons attended*	*Placements*
Older persons	352 366	163 714
Persons with disabilities	159 377	60 347
Total	**511 743**	**224 061**

Source: Ministry of Labour and Social Security, 2017.

Replies to the issues raised in paragraph 10

38. Under the labour reform of 2012, mechanisms were introduced to combat informal employment, including contractual arrangements such as probationary periods, initial training contracts and an outsourcing regime in which employers are required to provide workers with the benefits established by the law on social security.

39. From 2013 to March 2017, a total of 75,765 inspections were conducted as part of an employment formalization campaign in which workers were advised and encouraged to enrol in social security schemes such as the Mexican Social Security Institute and the Institute of Social Security and Social Services for State Employees.

40. The Fiscal Incorporation Regime was established pursuant to the tax reform of 2014. It grants facilities and advantages for taxpayers, including a 10-year period during which workers entering formal employment pay a gradually increasing amount of tax.

41. Similarly, the "Let's Grow Together" strategy offers incentives (access to social security, consumer credit, mortgages and business financing) aimed at facilitating the inclusion of informal businesses under the new tax regime in order to reduce informal employment and regularize tax arrangements.

42. The tax reform of 2014 saw the introduction of the Social Security Incorporation Regime, under which the payment of social security contributions is subsidized so that workers and employers in micro, small and medium-sized enterprises enrolled in the Fiscal Incorporation Regime can have access to the services provided by the Mexican Social Security Institute.

43. As at March 2017, the Fiscal Incorporation Regime had 4.76 million active taxpayers. Revenues collected under this regime amounted to approximately Mex$ 5,323.9 million in 2016.

Replies to the issues raised in paragraph 11

44. The National Commission on Minimum Wages analyses the country's economic situation on a monthly basis and produces an annual report that serves as a reference point in setting the general and occupational minimum wages that will come into effect the following year.

45. An advisory committee for the gradual and sustained recovery of the general and occupational minimum wages was created in 2014 with the following objectives:

(i) To propose the outline of a wage policy that would enable a gradual and sustained increase in the general and occupational minimum wages;

(ii) To study proposals submitted by specialists, academics and labour authorities in relation to the new policy on the setting of minimum wages;

(iii) To conduct technical studies to determine how the minimum wage affects inflation, employment, the wage structure, productivity, corporate sustainability, poverty and household budgets and the living and working conditions of minimum wage earners;

(iv) To study the feasibility of establishing a single general minimum wage for the entire country;

(v) To promote the discontinuation of the use of the minimum wage as a base unit or benchmark under the current legislation created by state congresses and the Legislative Assembly of the Federal District;

(vi) To define the criteria whereby the occupational minimum wages will increase after the general minimum wage is reviewed or set.

46. In 2016, this committee submitted its final report, which the Council of Representatives of the National Commission on Minimum Wages is studying with a view to defining an independent policy for the gradual and sustained recovery in the purchasing power of the general and occupational minimum wages. The committee is expected to conclude its deliberations in August 2017.

47. Furthermore, in December 2016 it was decided to supplement the existing minimum wage with a sum known as the "independent recovery amount". An annual percentage increase was then applied to the total in order to calculate the general minimum wage that would come into effect in 2017. These cumulative gains represent progress in fulfilling the constitutional mandate to ensure a decent wage for workers.

Replies to the issues raised in paragraph 12

48. Between 1970 and 2000, the female labour market participation rate almost doubled from 20 per cent to 39 per cent, whereas over the past 21 years, the figure has risen by 5.8 percentage points, to 43.4 per cent.

Chart 10

Female labour market participation
1995–2016

Source: Ministry of Labour and Social Security, 2017.

49. The promotion of equal employment opportunities was incorporated into legislation through the labour reform of 2012, along with increased financial penalties for employers that infringe women's labour protection laws.

50. Mexican Official Standard NMX-R-025-SCFI-2015 on labour equality and non-discrimination underpins the certification of workplaces that are demonstrated to have adopted and complied with processes and practices that promote labour equality and that combat gender-based wage inequality and occupational segregation. Compliance with the

standard requires non-discriminatory staff recruitment and selection processes; equal pay, compensation and benefits; equal opportunities for promotion and continued employment; and transparent, inclusive and gender-sensitive mechanisms for access to training. Since its creation in December 2015, the national register of certified workplaces has grown to include 197 workplaces (as of April 2017).[6]

51. The National Commission for the Development of Indigenous Peoples, through the Programme for the Improvement of Indigenous Production and Productivity, assisted 291,902 indigenous people in entering the labour market during the period 2013-2016. Women represented 60.6 per cent of that number.

Replies to the issues raised in paragraph 13

52. Under the labour reform of 2012 employers are obliged to provide basic benefits for agricultural day labourers, including: return transport from their accommodation to the workplace; access to medical services for the labourers and their economic dependants; access to an interpreter if the labourer does not speak Spanish; adequate accommodation near the workplace, and access to nursery services. Employers are also required to promote consumer cooperatives and literacy among workers and their families.[7]

53. A protocol on safety and hygiene, general working conditions and occupational training in the agriculture sector was issued in 2013.

54. Under that protocol, 878 inspections were carried out between 2013 and March 2017 during which more than 154,000 workers were registered and 23,260 technical measures were prescribed in relation to safety and hygiene in the workplace and occupational training.

55. In addition, the Ministry of Social Development administers the Programme for Agricultural Day Labourers, which provides support for male and female agricultural day labourers aged 16 years and older and members of their households who have permanent or temporary residence or who work in one of the regions where the programme is being carried out.[8] During the 2016 fiscal year, this support included:

- Incentives for attending and remaining in school for children under the age of 18 years enrolled in a formal education institution. The incentives benefited 16,044 children in 2016.
- Financial support upon arrival consisting in Mex$ 800 per household, payable to the head of household when notifying the Programme office of arrival at the workplace. In 2016, funding was disbursed to 35,070 households.
- Development activities: information fairs to raise awareness among agricultural day labourers and help them access the institutional support and services provided by other federal, state and municipal authorities. A total of 774 fairs were held between 2012 and 2016.
- Contingency support: in the event of an individual or collective contingency, migrant agricultural day labourers receive support in the form of: (i) transport to their place of origin; (ii) payment of medical and health-care expenses; and (iii) funeral expenses. In 2016, this type of support was provided in 85 cases.
- Food aid for children: in 2016, food aid was provided to 59,693 children and adolescents aged up to 14 years; such aid consisted of up to two meals per day prepared in accordance with a diet approved by a competent authority.

[6] Information consulted on 9 May 2017. See http://www.gob.mx/normalaboral.

[7] Federal Labour Act, chap. VII, Agricultural Workers.

[8] The Programme for Agricultural Day Labourers has national coverage and focuses on regions identified as having large concentrations of day labourers. A list of the municipalities and towns that make up these regions can be viewed on the web page: www.cipet.gob.mx/pajaraj.html.

Replies to the issues raised in paragraph 14

56. The labour reform of 2012 also led to the creation of the National Advisory Committee on Health and Safety at Work and advisory committees on health and safety at work in the states and in Mexico City. Made up of representatives of workers' and employers' organizations, these committees recommend risk prevention measures for the workplace.

57. The Federal Regulations on Safety and Health in the Workplace, issued in 2014, contain measures to address ergonomic and psychosocial risk factors, to create positive organizational environments and to strengthen the rights of vulnerable groups such as pregnant women and agricultural workers.

58. In order to reduce risks to workers in the mining sector, occupational health and safety obligations were established for employers, including the obligation to suspend activities and arrange for the evacuation of workers in the event of an imminent risk to their health or safety. Moreover, as a complement to the reforms in the area of child labour, the recruitment of persons under the age of 18 years to work in mines was prohibited.

59. The reform also brought about stronger powers for the inspection and oversight of workplaces with the entry into force of the General Regulations on Labour Inspection and the Application of Sanctions, under which labour authorities are obliged to develop inspection programmes in order to plan, organize and monitor the promotion, implementation and enforcement of labour legislation. Between 2013 and June 2016, the number of inspectors increased by 19 per cent, from 776 to 926.

60. The Ministry of Labour and Social Security is engaged in an ongoing inspection operation in the mining sector for the period 2013-2018. To date, 4,612 inspections have been carried out; 258,690 workers have been identified during these inspections. More than 2,200 technical measures have been prescribed and 60 restrictions on access have been imposed.

Replies to the issues raised in paragraph 15

61. Through the reforms of 2012 and 2017, labour legislation was amended to strengthen the institutional and legislative framework and thus effectively safeguard the rights of workers and their trade unions (see replies to the issues raised in paragraph 16).

62. Workers who feel that their labour or trade union rights have been violated may turn to the Office of the Federal Labour Advocate, a decentralized body of the Ministry of Labour and Social Security, which provides free counselling, conciliation and legal representation to workers, their beneficiaries and trade unions in relation to federal matters. State governments have administrative bodies that provide the same services in relation to local matters.

63. Mexico also has federal and local courts that settle labour disputes with impartiality and in accordance with the law, through conciliation and arbitration, with the goal of maintaining balance in labour relations.

64. As a result of the constitutional reform of 2011 in the area of human rights, the National Human Rights Commission and its counterparts in the federative entities have the power and the resources to hear matters concerning alleged human rights violations relating to labour and trade unions. Workers and trade union leaders therefore have the possibility of recourse to non-judicial mechanisms.

Replies to the issues raised in paragraph 16

65. As a result of the labour reform of 2012, the principle of free voting in the election of trade union leaders has been established and employers are under an obligation to publish applicable collective labour agreements.

66. In accordance with the reforms implemented in the area of transparency and access to information, administrative and judicial authorities in labour matters are expected to keep up-to-date information on the constitution and composition of trade unions and to make such information available to the public.

67. In light of the Committee's previous recommendation on "exclusionary clauses", the inclusion of such clauses in collective labour agreements has been prohibited in accordance with the labour reform; legislation is now in line with the Government's international obligations and the case law of the Supreme Court.

68. "Protection agreements" are collective labour agreements that are concluded without the workers' knowledge and which might affect their working conditions. The practice is deemed contrary to national law.

69. To monitor the observance of the right to collective bargaining, an operating protocol on free collective bargaining was issued in February 2016. This protocol sets out guidelines so that labour inspectorates can verify whether companies' collective labour agreements, if any, have been concluded in a transparent manner with the knowledge of all workers.

70. Between January 2016 and the time of writing, labour inspectorates have carried out 118 inspections in accordance with that protocol and have prescribed 363 technical measures whereby employers have been forced to take action to correct legal irregularities.

71. After the entry into force of the constitutional reform of 2017, employers and workers will have to attend the appropriate conciliation proceedings before taking their case to the labour courts. At the federal level, conciliation proceedings will be entrusted to a decentralized body that will also be responsible for registering all collective labour agreements and trade union organizations, in order to prevent, inter alia, any further signing of "protection agreements".

Replies to the issues raised in paragraph 17

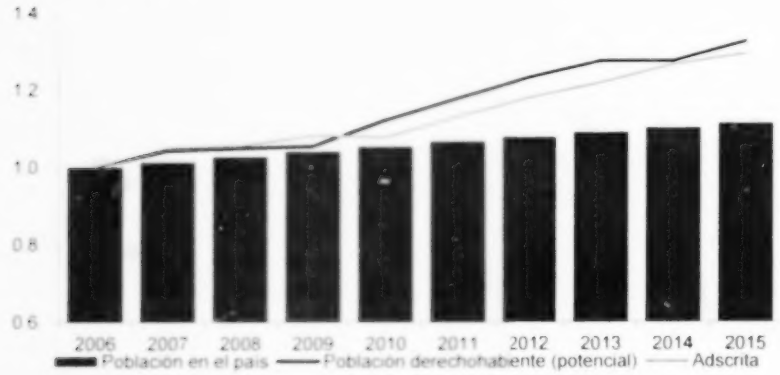
72. To strengthen social security, in April 2016 the National Agreement towards the Universalization of Health Services was signed by the Ministry of Health, the Mexican Social Security Institute, the Institute of Social Security and Social Services for State Employees and the governors of Baja California Sur, the State of Mexico and Oaxaca with a view to gradually achieving the universalization and portability of health care in the country.

73. Furthermore, a legislative initiative was submitted to reform the social security system by creating a universal pension and unemployment insurance. Amendments to the Retirement Savings System Act were also proposed whereby a new commission structure would incentivize retirement fund administrators to seek a higher return and provide better service for workers. The initiative was approved by the Chamber of Deputies in March 2014 and is currently under discussion in the Senate.

74. The two main social security institutions — the Mexican Social Security Institute and the Institute of Social Security and Social Services for State Employees — have substantially increased their levels of coverage.

Chart 11

National population, insured population and registered population, 2006-2015[1] (Index base year 2006)



Source: National Population Council, Directorate of Incorporation and Revenue of the Mexican Social Security Institute, 2017.

[1] Insured and registered population figures correspond to the end of the year. Yearly data for national population were calculated by taking the mean of the figure halfway through the current year and the figure halfway through the following year (121.6 million inhabitants).

Chart 12

Institute of Social Security and Social Services for State Employees: Insured population by type of social security entitlement, 2012-2015

Year	*Total*	*Workers*	*Pensioners*	*Spouses*	*Children*	*Ascendants*
2012	12 449 609	2 677 547	922 516	1358 417	6 141 536	1 349 593
2013	12 630 569	3 678 968	1 710 456	1374 082	6 212 362	1 365 157
2014	12 803 817	2 797 654	962 075	1388 287	6 276 553	1 379 248
2015	12 973 731	2 831 304	1 018 871	1400 373	6 331 235	1 391 948

Source: Institute of Social Security and Social Services for Sate Employees, 2017.

75. As part of the move towards universal coverage, on the basis of the tax reform, the Social Security Incorporation Regime was created so that employers and workers in micro, small and medium-sized enterprises could access the Mexican Social Security Institute thanks to subsidized social security contributions (see reply 10).

76. In addition, the PROSPERA programme run by the Mexican Social Security Institute provides health services to unwaged Mexicans who do not have access to social security. The programme is present in 28 federative entities and covers 12.4 million people, of whom 3.9 million reside in predominantly indigenous communities and 8.1 million live in municipalities where the National Crusade against Hunger initiative is being implemented, 77.4 per cent of which had high or very high levels of marginalization.

77. Established in 2004, the People's Health Insurance Scheme funds health services for those who are not covered by social security institutions. It is aimed at extending health services to the most vulnerable people and at reducing gaps in the provision of medical services.

Chart 13

Cumulative affiliation of the People's Health Insurance Scheme, 2004–April 2017

2010	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*
43.5	51.8	52.9	55.6	57.3	57.1	54.9	53.7

Source: National Health and Welfare Commission, Ministry of Health, 2017.

Replies to the issues raised in paragraph 18

78. It is estimated that 2,475,989 children and adolescents are employed in Mexico.[7] However, the latest figures indicate that the number has decreased, since the employment rate of children and adolescents fell from 8.6 per cent in 2013 to 8.4 per cent in 2015.

79. An interministerial commission for the prevention and elimination of child labour and the protection of working adolescents of legal working age in Mexico was established in 2013 to combat and eradicate child labour and its worst forms and to strengthen respect for the rights of working adolescents of legal working age. Notable results include:

- The establishment of 32 local commissions for the prevention and elimination of child labour and the protection of working adolescents of legal working age, in order to effectively coordinate the actions of the three branches of government to protect children and adolescents engaged in child labour or at risk thereof.
- The creation of the "No Child Labour in Mexico" award to recognize the work of public-sector institutions, businesses, civil society organizations and trade unions that take steps to prevent and eliminate child labour and to protect working adolescents of legal working age.
- The amendment on 12 June 2015 of 17 articles of the Federal Labour Act, standardizing the minimum age of employment (15 years old) and raising to 18 years old the minimum age for employment in conditions deemed hazardous or unhealthy.

80. Between 2012 and 2015, as a result of the steps taken to prevent the involvement of children and adolescents in a range of prohibited labour activities, the number of children and adolescents employed in those activities decreased by 577,000.

Chart 14

Year	*2012*	*2013*	*2014*	*2015*	*2016*
Children at risk	176 162	138 810	167 924	115 124	103 894
Child workers	68 662	67 790	81 649	38 727	46 711

Source: National System for the Comprehensive Development of the Family, 2017.

Replies to the issues raised in paragraph 19

81. The National System for the Comprehensive Development of the Family developed the Strategy for Prevention and Care for Street Children and Adolescents as a framework for specialized care projects aimed at reducing the number of street children and adolescents. It also developed studies and models of care to assess the scope and outcomes of such projects in the cities with the largest populations of street children and adolescents.

82. During 2014 and 2015, the National System for the Comprehensive Development of the Family granted federal subsidies to the federative entities that signed up to the Strategy, with the following outcomes:

[7] Child labour module of the 2015 national occupation and employment survey (conducted every two years by the National Institute of Statistics and Geography).

- Specialized care was provided for 28,457 children and adolescents at risk of living on the street or already doing so.
- 200 specialized care projects, designed and operated by civil society organizations and the municipal systems for the comprehensive development of the family, were carried out in respect of street children and adolescents and collateral risks.
- Professionalization activities, including courses on the care of street children and adolescents, were held with the participation of operational personnel from systems for the comprehensive development of the family in participating federative entities and municipalities.

Chart 15

Subsidies granted to federative entities participating in the Strategy for the Prevention and Care for Street Children and Adolescents

	2014 subsidies	*2015 subsidies*
Baja California	850 000.00	850 000.00
Chiapas	600 000.00	600 000.00
Chihuahua	700 000.00	-
Federal District	500 000.00	2 310 360.00
Guanajuato	670 312.00	670 000.00
Jalisco	1 191 300.00	2 383 735.78
State of Mexico	790 000.00	682 000.00
Nuevo Leon	700 815.00	505 000.00
Oaxaca	450 000.00	340 900.84
Puebla	600 000.00	610 000.00

Source: National System for the Comprehensive Development of the Family, 2017.

83. With regard to the comprehensive protection of unaccompanied migrant children and adolescents, the Act on the Rights of Children and Adolescents establishes that they shall not be deprived of their liberty in detention centres. In the event that an unaccompanied migrant child or adolescent initiates an immigration procedure, the National Institute of Migration notifies the Federal Office for the Protection of Children and Adolescents of the National System for the Comprehensive Development of the Family so that it can carry out an initial assessment and refer the child or adolescent to a social welfare centre, which then provides the appropriate care while his or her immigration status is being determined.

84. The National System for the Comprehensive Development of the Family oversees a care and prevention strategy for unaccompanied child migrants that is implemented by a network of 57 transit units and shelters operated by systems for the comprehensive development of the family in the federative entities and municipalities and civil society organizations. These facilities receive unaccompanied migrant and repatriated children and adolescents and provide them with social welfare services including food, accommodation, clothing, hygiene, medical and psychological care and legal advice. In the period 2014-2016, the System provided care for 81,410 unaccompanied child and adolescent migrants of Mexican and foreign nationalities.

85. The National Institute of Migration has 360 child protection officers distributed among 32 federal branch offices. They provide assistance during administrative procedures involving child and adolescent migrants, with a special focus on those that are travelling alone. Their functions include: (i) safeguarding the physical and mental integrity of the children and adolescents; (ii) ensuring the provision of basic services such as health care, food, clothing and rest; (iii) facilitating contact with their families; and (iv) supporting them during the process and accompanying any transfers ordered by the migration authority and the National System for the Comprehensive Development of the Family.

Replies to the issues raised in paragraph 20

86. The PROSPERA programme achieved the following outcomes:[10]

- Between 2012 and 2016, the prevalence of under-height children aged under 5 years that were beneficiaries of the programme decreased by 8.1 per cent.
- In rural areas, the prevalence of under-height children dropped by 11.4 per cent between 2012 and 2016; in urban areas, the decline was 5.1 per cent.
- Domestic nutritional intake increased by 22 per cent in rural households and by 16 per cent in urban households.[11]
- With regard to education:
  - In rural areas, enrolment in primary school rose by 0.9 per cent for girls and 0.8 per cent for boys, while secondary school enrolment was up 11 per cent for girls and 7.5 per cent for boys.[12]
  - In urban areas, girls aged 6 to 18 years have higher levels of schooling than boys aged 8 to 18 years, by as much as 12.5 per cent.[13]
  - School attendance rates are higher among adolescent girls who are beneficiaries of the programme, including those who have had a child.[14]

Chart 16

Households covered by the PROSPERA programme, 2012-2016

Source: Ministry of Social Development, 2017

[10] National health and nutrition survey 2016.

[11] PROSPERA module of the national health and nutrition survey 2016, National Public Health Institute, Mexico, 2016.

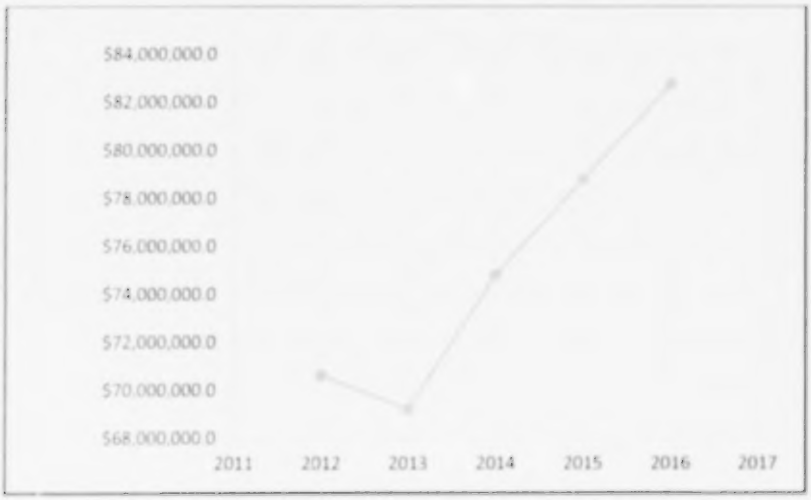
[12] Schultz, P. (2003). El impacto de Progresa sobre la inscripcion escolar, Ministry of Social Development. Evaluacion de Resultados del Programa de Educacion, Salud y Alimentacion 2000. Education, Mexico: Ministry of Social Development PROGRESA, first reprinting.

[13] De la Torre, R. (2005). Evaluacion Externa de Impacto del Programa Oportunidades. National Public Health Institute.

[14] United Nations Children's Fund, National Public Health Institute and National Coordinating Office of PROSPERA (2017). Salud reproductiva y embarazo en la poblacion de adolescentes beneficiarias de PROSPERA Programa de Inclusion Social. Fact sheet.

87. Between 2012 and 2016, the budget of PROSPERA increased by 17 per cent (see figure below). The budget allocated to the National Coordinating Office of PROSPERA has been sufficient to meet the commitments of the programme.

Chart 17



Source: Ministry of Social Development, 2017.

88. A comprehensive summary of the performance monitoring and evaluation of all social development programmes in 2015 and 2016, including the budgets allocated to each programme, is provided in annex 8.

Replies to the issues raised in paragraph 21

89. Between 1988 and 2012, the prevalence of underweight dropped steadily, by a total of 8 per cent; between 2012 and 2016, however, it rose again slightly, by 1.1 per cent, from 2.8 to 3.9 per cent. The prevalence of wasting also decreased, falling from 6.2 per cent in 1988 to 1.9 per cent in 2016.

90. Meanwhile, the prevalence of overweight and obesity among children under 5 years old rose from 7.8 to 9.7 per cent between 1988 and 2012, but dropped by 3.9 per cent in the following four years, from 9.7 per cent in 2012 to 5.8 per cent in 2016.

91. Between 2012 and 2016, the following outcomes were achieved in the field of food security, at the national level, in households benefiting from the PROSPERA programme:

- A decrease of around 4 per cent in the overall prevalence of moderate and severe food insecurity and an increase of 1.7 per cent in the proportion of households that enjoy food security.
- In urban areas, the proportion of households suffering from moderate or severe food insecurity dropped by around 2 per cent, while the prevalence of mild food insecurity increased by 1.4 per cent.
- In rural areas, the proportion of households affected by moderate or severe food insecurity dropped by nearly 5 per cent and the prevalence of food security increased by 2.6 per cent.

92. In addition, through the National Crusade against Hunger initiative, assistance has been provided to 5.43 million persons who live in extreme poverty and lack access to food, in 2,458 municipalities, accounting for 77.56 per cent of the target population.

Chart 18

Persons living in extreme food poverty according to the National Council on the Evaluation of Social Development Policy	Target population of the National Crusade against Hunger identified through the Development Targeting System	Number of target population covered by at least one programme	Population requiring assistance
7 011 949	6 965 204	5 438 803	1 526 401

Source: Development Targeting System, version 2017.

Chart 19

Type of deprivation	2012 % of population affected (matched records)	2012 Sub-Target deprived (% of population with matched records)	2012 Sub deprived (% of population with matched records)	2015 % of population affected (matched records)	Percentage point change 2012-2015
Education gap	30.9	11.8	19.1	27.5	-3.4
Access to health services	30.3	25.4	4.9	8.2	-22.1
Access to social security	97.5	9.8	87.7	87.4	-10.1
Quality housing with adequate living space	51.0	26.0	28.1	17.7	-16.3
Access to basic housing services	56.4	17.3	39.1	44.0	-12.4
Access to adequate food	100.0	57.3	42.7	42.7	-57.3

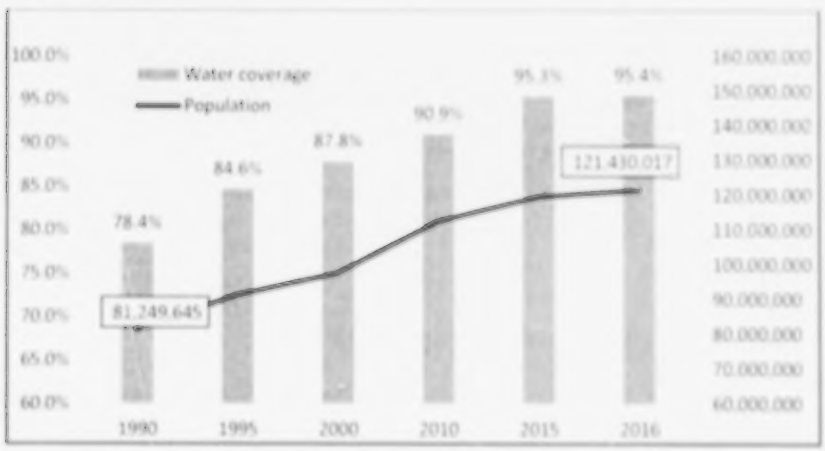
Source: 2015 panel survey for monitoring of indicators. National Council on the Evaluation of Social Development Policy.

93. Since 2016, the programme to improve indigenous production and productivity has included support to enable self-sufficiency, such as technical assistance, the provision of inputs and equipment for food production and the sale of excess produce; so far, 266 projects have been implemented for the benefit of 3,380 indigenous persons, of whom 77.4 per cent are women.

Replies to the issues raised in paragraph 22

94. In comparative terms, over the past six years, 15.3 million inhabitants have gained access to water services, bringing the total coverage to 95.4 per cent.

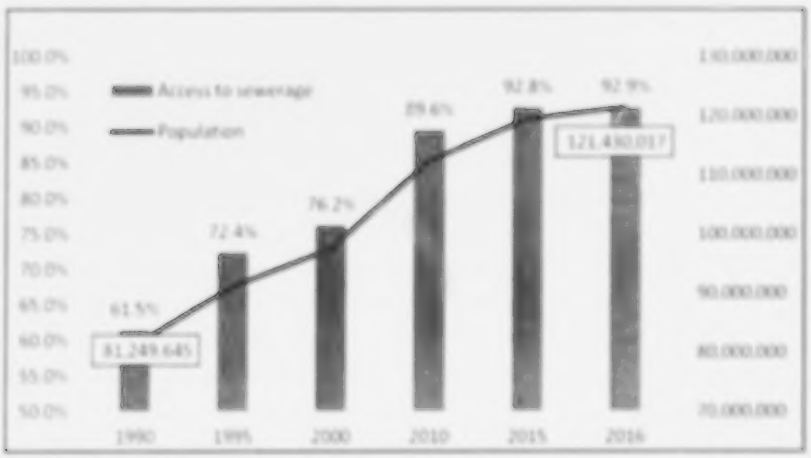
Chart 20



95. In the last six years, 13.7 million inhabitants have gained access to sanitation, bringing the total coverage to 92.9 per cent.

96. Action point 3.1.1 of the National Water Plan 2014-2018 is to increase access to drinking water and sewerage in rural and urban areas, with a focus on vulnerable groups.

Chart 21



97. In that connection, between 2013 and 2015, the National Water Commission carried out 1,301 drinking water measures, benefiting 1.09 million inhabitants, 405 sewerage measures, benefiting 776,812 inhabitants, and 79 sanitation measures, benefiting 15,556 inhabitants.[11] These measures, which came under the programme for drinking water, sewerage and sanitation in urban areas and the programme for the sustainability of drinking water and sanitation services in rural communities, were financed by federal investments of MexS 4,265.5 million.

98. These measures were carried out in selected municipalities covered by the National Crusade against Hunger where there is a high incidence of extreme poverty.

99. In 2014, the National Commission for the Advancement of Indigenous Peoples and the National Water Commission signed a cooperation agreement on the implementation of 41 drinking water projects for indigenous communities, with funding of MexS 76,969.2 million. Within that framework, 1,869 drinking water initiatives, benefiting 1.1 million indigenous persons, and 1,312 sanitation projects, benefiting 625,000 indigenous persons, were carried out between 2013 and 2016.

100. Through the National Water Quality Monitoring Network, water quality has continued to be monitored at 5,000 sites, including dams, lakes, rivers, coastal zones and wells; in the last four years, 82,706 water quality monitoring operations have been carried out, generating over 4.5 million results.

101. Sixty-three measures have been taken to control or reduce water pollution; for example, wastewater treatment plants and drainage systems have been built or restored, 283 inspections have been carried out and 168 administrative sanctions have been imposed on polluting companies.

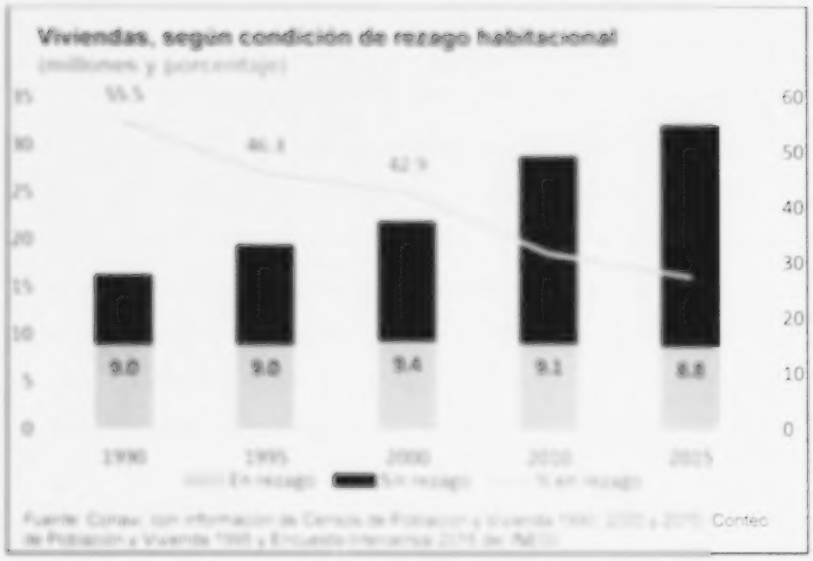
Replies to the issues raised in paragraph 23

102. The National Housing Policy has reduced the housing deficit from 9 million units in 1990 to 8.8 million units in 2015, and from 55.5 to 27.5 per cent, as a proportion of the

[11] Their aim was to expand and improve the systems for drinking water, sewage disposal, sanitation and wastewater treatment.

existing housing stock. Furthermore, between 2000 and 2015, the housing stock increased by 10.7 million units, at an average rate of 713,000 units per year.

Chart 22



Fuente: Conavi, con información de Censos de Población y Vivienda 1990, 2000 y 2010; Conteo de Población y Vivienda 1995 y Encuesta Intercensal 2015 (el 3/6/17).

103. The following measures have been taken to help vulnerable families to access adequate housing:

- Titling fees have been abolished for housing purchased by persons earning less than 2.6 times the minimum wage.
- National housing agencies have reduced the interest rates on loans for vertical housing.
- Families who join the formal market[1] can take out a traditional mortgage, with a subsidy of up to MxN $80,000,[2] or a loan to build a house on their own land.
- In 2016, the "Mother Room" strategy was implemented to reduce overcrowding and provide children and adolescents with a space free from violence. Under the strategy, which was funded by federal investments of MxN 2,857.4 million, 75,848 additional rooms were built in 2,978 locations, of which 62 per cent were in priority areas with high or very high levels of marginalization (605 municipalities).
- Under the programme for the regularization of irregular human settlements, 18,434 lots were regularized in 2016, thanks to federal investments of MxN 182.8 million. Between 2013 and 2016, 78,208 subsidies were granted for the same purpose.

Replies to the issues raised in paragraph 24

104. The Quality Medical Care Programme funds projects to improve the quality of medical care and awards for successful implementation of the Health Care Quality Management Model, which aims to ensure access to quality health services in medical establishments and administrative departments of public institutions within the national health system. Under the Quality Medical Care Programme, 12,218 establishments have

[1] All taxpayers who fulfil their obligations under the national tax administration system.

[2] Amount established in the operating rules of the programme on access to financing for housing solutions, for the fiscal year 2017, expressed in 5 points 5 units of Measurement.

been accredited to receive funding that will enable them to provide a wider range of services to a larger number of people.

105. Guidelines on intercultural health care for indigenous persons and persons of African descent, promoting inter-institutional coordination at the national and state levels to improve the accessibility, availability and quality of health services for indigenous and Afrodescendent populations, have been drawn up and distributed to the managerial staff of public health services.

106. The Strengthening Medical Care Programme is helping to close the health gaps between different social groups and regions, as mobile medical units are dispatched to provide primary care to persons with little or no access to health services. In 2016, 788 such units provided care in 715 municipalities, covering a total of 10,037 communities, most of which were in remote rural areas with few resources and an indigenous population.

107. The National Institute for Senior Citizens runs a comprehensive assistance centre in Mexico City, which offers specialized multidisciplinary medical services for older persons, providing them with full rehabilitative treatment at the primary care level. A total of 43,104 medical appointments took place in 2016.

Chart 23

	Comprehensive assistance centre
Year	*Medical appointments*
2013*	121 195
2014*	104 594
2015	50 636
2016	43 104
January-April 2017	20 577

Source: National Institute for Senior Citizens, 2017.

Replies to the issues raised in paragraph 25

108. The Mexican Official Standard NOM-007-SSA2-2016 on the provision of care before, during and after childbirth to mothers and newborns was published in 2016 and is regularly recirculated to medical professionals; it sets out the procedure to be followed at each medical appointment, from a human rights perspective.

109. In addition, under the National Development Plan 2013-2028 and the Health Sector Programme 2013-2018, Mexico has established six health-related action plans to promote effective access to sexual and reproductive health services and information:

- Family planning and contraception, 2013-2018
- Sexual and reproductive health care for adolescents, 2013-2018
- Maternal and perinatal health care, 2013-2018
- Preventing and controlling cancer in women, 2013-2018
- Preventing and responding to domestic and gender-based violence, 2013-2018
- Gender equality in health care, 2013-2018

110. The National Strategy to Prevent Adolescent Pregnancies is aimed at reducing the pregnancy rate among girls between 10 and 19 years of age.

111. There are 1,653 facilities that provide sexual and reproductive health services to adolescents between 10 and 19 years of age, in an environment of trust and confidentiality. Care is provided in accordance with the guidelines on comprehensive sexual and reproductive health care for adolescents, which standardize administration, training and the provision of services in this area.

112. The National Medical Arbitration Commission is the body through which health service users can make complaints about alleged acts or omissions relating to the provision of medical services, with a view to settling the dispute with the health service provider through arbitration and conciliation.

113. Of the 1,972 complaints settled through the National Medical Arbitration Commission in 2016, 131 complaints — 6.64 per cent — concerned gynaecology and obstetrics. The main grounds for the complaints in that area were as follows:

Chart 24

Diagnosis	*(%)*
Medical treatment	168
Surgical treatment	121
Doctor-patient relationship	95
Administrative and/or institutional failings	92
Accidents and mishaps	67
Care during and immediately after childbirth	25
Diagnostic assistants	17

Source: Ministry of Health, 2017

Replies to the issues raised in paragraph 26

114. The provisions of the General Health Act on mental health were amended in 2013 and Mexican Official Standard NOM-025-SSA2-1994 on the provision of health services in hospital facilities providing comprehensive medical and psychiatric care was amended in 2015, to ensure that the concept of mental health was defined in accordance with international standards and to better protect the human rights of persons with any kind of mental health problems.

115. In addition, Mexico has introduced the Hidalgo Mental Health Care Model, which offers a wide range of services, including various options for the promotion of mental health, prevention, outpatient care, hospitalization and social reintegration, for persons of all ages, suffering from any mental health problem.

116. The National Mental Health Council, the Psychiatric Care Services and the National Institute of Psychiatry draw up policies on treatment, prevention and rehabilitation in the field of mental health; coordinate specialized mental health care programmes in the relevant operational units; and conduct scientific research in the field of mental health, carry out training and capacity-building to produce skilled staff, and provide highly specialized medical care.

117. The Psychiatric Care Services are taking steps to improve the accessibility and availability of mental health services. The Targeted Action Programme for Mental Health Care 2007-2012 and the Targeted Action Programme for Psychiatric Care 2013-2018 were established for that purpose. A table showing the outcomes linked to the targets and indicators of the annual programme of work, alongside the most recent action programmes, can be found in annex 9.

118. On average each year, the Psychiatric Care Services provide 134,965 psychiatry consultations and 190,174 psychology consultations through the network of psychiatric hospitals and the community mental health centres; also every year, 4,918 patients are discharged from psychiatric hospitals.

Chart 25

Year	Number of medical appointments	Number of discharges from hospital
2012	23 038	5 108
2013	20 990	4 783
2014	40 890	4 646
2015	34 439	4 894
2016	41 524	4 918

Source: Ministry of Health, 2016.

Replies to the issues raised in paragraph 27

119. The State recognizes that all persons have the right to health and the right to a healthy environment, for their development and well-being.[18] Under the General Health Act, the health authorities have the power to draft and issue standards and to take measures to protect people from environmental health risks and harm.[19]

120. The Ministry of Health determines the maximum level of air pollution to which people may be exposed, water quality standards and the treatment required for drinking water, and the different levels of health protection in case of soil pollution. A table showing water, air and soil pollution monitoring standards can be found in annex 10.

121. The Federal Commission for Protection against Sanitary Risks is responsible for implementing the Physico-Chemical Quality of Water Project; as part of that project, water that is destined for human use and/or consumption is tested for physical and chemical pollutants and the bacteriological quality of water is also monitored.

Chart 26
Federative entities in which water is tested for metals (As, Pb and F)

Entities (21 in total)	Total number of sampling points
Aguascalientes	210
Baja California Sur	6
Durango	10
State of Mexico	683
Guerrero	81
Guanajuato	179
Hidalgo	40
Jalisco	539
Michoacan	23
Morelos	19
Puebla	20
San Luis Potosi	66
Tabasco	114
Tamaulipas	89
Tlaxcala	40
Zacatecas	99

Source: Ministry of Health, 2017.

[18] Article 4 of the Constitution.
[19] Articles 116 and 118 of the General Health Act.

122. Mexican Official Standard NOM-048-SSA1-1993 sets out a method for assessing health risks linked to environmental pollutants. If water, air or soil pollutants are detected, the risk assessment and response procedure outlined in this standard is carried out, in order to identify and, if necessary, remedy the harm caused by the pollutant.

Replies to the issues raised in paragraph 28

123. Since the education reform of 2013, the National Education Evaluation Institute has coordinated the National Education Evaluation System and assessed the performance and results of the national education system at the basic and upper secondary levels, in both public and private schools, taking into account all services and forms of education.

124. In addition, the Professional Teachers' Service Act establishes teacher evaluation as a crucial tool for improving the education system and sets out the terms governing the examinations for entry to the Professional Teachers' Service. Teachers are evaluated on the following criteria, to ensure quality education:[20]

- Knowledge of educational content
- Classroom atmosphere
- Teaching methods
- Assessment of students
- Student learning achievements
- Collaboration at school
- Interaction with parents and guardians

125. In March 2017, a new model for compulsory education was introduced to raise the quality of education and to improve student performance. The main components of this model are summarized in annex 11.

126. As regards the development of education infrastructure, the "Schools at 100 Per Cent" programme was launched in 2015, with investments of around Mex$ 50 billion; the aim of this programme is to improve infrastructure in over 33,000 basic, upper secondary and higher education establishments. Through this programme, between 2015 and 2016, improvements were made to 16,419 school sites, including 14,868 basic education establishments, 871 upper secondary schools and 680 higher education establishments. Investments over that period totalled Mex$ 24,907.7 million and benefited 3.4 million students.

127. As regards teacher training, in March 2016, the National Continuous Training Strategy was introduced, to enable teachers in basic and upper secondary education to receive training that is tailored to their needs.

128. As of May 2016, under an incentive scheme to promote good performance, teachers in basic and upper secondary education are given salary increases of 35 and 24 per cent, respectively, for outstanding results in their performance evaluation, while teachers who perform well in schools that are situated in deprived and remote areas receive salary increases of 41 and 27 per cent, respectively.

Replies to the issues raised in paragraph 29

129. Under the General Education Act, all persons are entitled to receive quality education in fair conditions and to be guaranteed the opportunity to access, move within and remain in the national education system.

130. Since 2013, the Ministry of Education has been implementing the Programme for Inclusion and Equity in Education, to improve educational coverage, inclusiveness and

[20] Article 14 of the Professional Teachers' Service Act.

equity for all sectors of the population, through standard-setting and support for public education services and improvements to the infrastructure of basic, upper secondary and higher education establishments that are attended by members of vulnerable groups. Through this programme, the Government aims to:

- Support schools that are attended by indigenous persons, through academic strengthening measures, targeted support and contextualization of content.
- Support schools that are attended by migrant persons, through academic strengthening measures, targeted support, contextualization of content and the provision of specific equipment.
- Monitor and support special public education services and public basic education establishments, to ensure that they take steps to promote inclusive education for students with disabilities, exceptional abilities and/or specific talents.
- Launch a financing scheme that enables local education authorities to develop an inclusive education initiative to support students who are vulnerable and/or at risk of exclusion.

Chart 27

Schools covered by the Programme for Inclusion and Equity in Education during the school years 2014/15 and 2015/16

	School year	
Type of school	*2014/15*	*2015/16*
Indigenous schools and distance-learning secondary schools	7 236	9 234
Updating of equipment in migrant education services	352	415
Multiple care centres	1 658	1 681
Mainstream Education Support Service Units	4 242	4 423

131. As regards access to education for migrant children and adolescents, current legislation provides that no child or adolescent may be deprived of access to basic education for lack of official identification documents.[21] These provisions are supplemented by the Special Migration Programme 2014-2018, which establishes that, in order to guarantee access to the education system for migrant children and adolescents who arrive in Mexico, documents submitted as part of the procedure for validating the completion of basic and upper secondary education do not need to be stamped, authenticated or verified by electronic means.

132. In addition, under the Indigenous Education Support Programme, run by the National Commission for the Development of Indigenous Peoples, steps are taken to provide accommodation and food, to promote a sense of cultural identity and to encourage recreation and leisure activities. During the first quarter of 2017, this programme benefited 358 children in preschool education, 33,602 children in primary education, 23,898 students in secondary schools and 1,649 students in higher education.

133. As part of the Movement to Combat School Dropout in upper secondary education, monitoring and early warning schemes were launched in federal public schools, including measures such as home visits, telephone calls to parents, records of non-attendance and meetings with parents, in order to monitor school trajectories and identify, in a timely manner, any students who might be considered at risk of dropping out of school, on the basis of non-attendance, punishments and poor academic results.

Replies to the issues raised in paragraph 30

134. Since its creation in 2005, the Programme for the Comprehensive Development of Indigenous Peoples and Communities has set up 17 funds to support social and institutional

[21] Articles 14, 32, 33, 60, 61, 62 and 63 of the General Education Act.

initiatives to promote indigenous cultural creation, composition, artistic development and cultural production.

Chart 28

Programme for the Comprehensive Development of Indigenous Peoples and Communities

Year	*Number of projects supported*	*Federative entities where projects were carried out*	*Total programme budget*
2013	101 projects carried out	Chiapas, Chihuahua, Guanajuato, Guerrero, Hidalgo, Michoacán, Nayarit, Oaxaca, Querétaro, Tabasco, Veracruz and Yucatán	MexS 4 456 975
2014	68 projects carried out	Chiapas, Chihuahua, Guanajuato, Guerrero, Hidalgo, Michoacán, Nayarit, Oaxaca, Morelos, Querétaro, Sonora, Tabasco and Veracruz	MexS 6 065 000
2015	100 projects carried out	Chiapas, Chihuahua, Guanajuato, Guerrero, Hidalgo, Morelos, Michoacán, Nayarit, Oaxaca, Querétaro, San Luis Potosí, Tabasco and Yucatán	MexS 4 635 000
2016	60 projects carried out	Chiapas, Guerrero, Hidalgo, Morelos, Michoacán, Oaxaca, San Luis Potosí, Sonora, Tabasco and Yucatán	MexS 2 900 000

Source: Ministry of Culture, 2017.

135. Under the Indigenous Rights Programme, implemented by the National Commission for the Development of Indigenous Peoples, the following initiatives are carried out with a view to preserving, developing and disseminating the culture, languages and traditions of the indigenous peoples of Mexico:

- Support for intercultural communication projects to promote and disseminate indigenous cultural heritage, through audio recordings, videos, photography, the Internet, published material and training.
- Support for the training of indigenous young people in the safeguarding and development of their cultural heritage, ensuring they have the tools to support their communities in the exercise of their cultural rights and the protection and development of their cultural heritage.

136. As regards the safeguarding of traditional knowledge, it should be noted that the Federal Copyright Act protects:

- Works of literature, art, popular art and crafts, including primitive manifestations in their source language, practices, customs and traditions, that reflect the multicultural composition of the Mexican nation.
- Works of literature, art, popular art and crafts that are executed and perpetuated in an aboriginal community or ethnic group, against distortion aimed at discrediting or damaging the reputation or image of the community or ethnic group to which such works belong.

- Whenever a protected work of literature, art, popular art or crafts is displayed, performed, published, shared or used, the community or ethnic group or, if appropriate, the region of the country to which it belongs must be mentioned.

Replies to the issues raised in paragraph 31

137. The legal framework protects and promotes the right to freedom of expression that is enshrined in the Constitution and in international treaties. The Federal Telecommunications and Broadcasting Act, which was promulgated in 2014, promotes competition in the media sector and provides for the granting of licences to indigenous peoples and communities and for social community use.

138. The new General Act on Transparency and Access to Public Information, which was promulgated in 2015, harmonized the regulatory frameworks on access to public information in all entities, increased the number of entities bound by the Act and established the National Transparency System. The Act sets out stricter criteria governing the restriction of access to information by the authorities and prohibits restrictions on the disclosure of information relating to serious offences and crimes against humanity.

139. In addition, the Mechanism for the Protection of Human Rights Defenders has been established as a means of implementing measures to protect journalists and human rights defenders who are under threat (see replies to the issues raised in paragraph 2).

140. The Special Prosecutor's Office for Crimes against Freedom of Expression was established in 2010 to lead, coordinate and oversee the investigation and, if necessary, prosecution of offences against journalists. A table showing complaints filed and preliminary investigations conducted for offences against journalists can be found in annex 12.

Replies to the issues raised in paragraph 32

141. Under the Special Programme for Science, Technology and Innovation, the National Council of Science and Technology supports the advancement of scientific research in the following ways:

- Sectoral funds: trust funds established between the National Council of Science and Technology and various agencies, to promote scientific research and technology development in different sectors.
- Mixed funds: trust funds established to promote scientific research at the local level, with contributions from state or municipal governments and the federal Government.
- Institutional funds: funds set up to finance the activities of the National Council of Science and Technology in fields such as international cooperation, biosafety and biotechnology, and regional promotion of scientific and technology development.
- Institutional support: programmes to support scientific research, development and knowledge-sharing projects that are intended to build scientific and technological capacities in institutions.
- Programme to stimulate innovation: a programme to support companies that invest in research, technology development and innovation for the development of new products, processes and services.
- Tax incentive for research and technology development: a tax credit equivalent to 30 per cent of the amount spent, in costs and investments, on technology research and development.

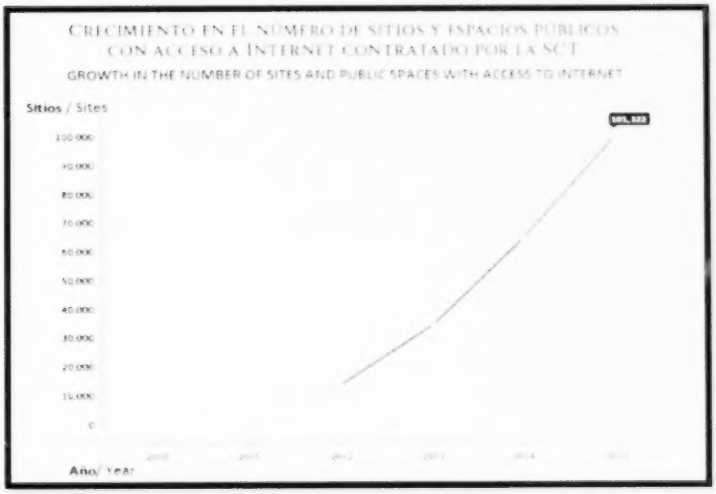
142. Furthermore, in its policies that promote the training of highly skilled staff as a means of boosting the country's scientific and technological development, the National Council of Science and Technology pays particular attention to vulnerable groups, through the following programmes:

- Programme for the enrolment of indigenous women in postgraduate study for regional capacity-building
- Programme for the provision of additional support to indigenous women who hold a grant from the National Council of Science and Technology
- Programme for the provision of grants to indigenous persons
- Programme to support the professional development of Mexican mothers who are heads of family

143. The Ministry of Communications and Transport is implementing the "Broadband for All" digital connectivity programme to help universalize access to information and communications technology, especially access to broadband, pursuant to article 6 of the Constitution. A background document on the main components of the programme can be found in annex 13.

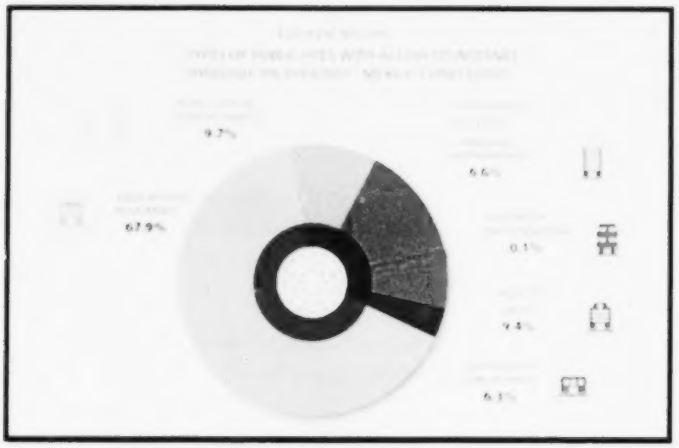
144. In that regard, under the "Connected Mexico" strategy, Internet access is provided in public spaces, in order to close the digital gap and ensure that vulnerable groups can fully exercise their fundamental rights.

Chart 29


CRECIMIENTO EN EL NÚMERO DE SITIOS Y ESPACIOS PÚBLICOS CON ACCESO A INTERNET CONTRATADO POR LA SCT
GROWTH IN THE NUMBER OF SITES AND PUBLIC SPACES WITH ACCESS TO INTERNET
Sitios / Sites
Año/ Year

Source: Ministry of Communications and Transport, 2017.

Chart 30



Source: Ministry of Communications and Transport, 2017.